

PATENT

ATTORNEY DOCKET NUMBER: 50125/037001

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Colleen Coyne

Printed name of person mailing correspondence

Colleen Coyne

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ingrid Jochmus et al.	Art Unit:	1648
Serial No.:	09/980,064	Examiner:	A. R. Salimi
Filed:	March 27, 2002	Customer No.:	21559
Title:	CYTOTOXIC T-CELL EPITOPES OF THE PAPILLOMA VIRUS L1-PROTEIN AND USE THEREOF IN DIAGNOSTICS AND THERAPY		

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REQUEST FOR REFUND OF OVERPAYMENT UNDER 37 C.F.R. § 1.26

Applicants, under 37 C.F.R. § 1.26, hereby request a refund of \$200.00 for the amount overpaid on October 29, 2004. This request is made within two years of the overpayment.

In the above-referenced application, an Application for Patent Term Adjustment was filed on October 29, 2004 with payment of \$400.00 (check no. 2828).

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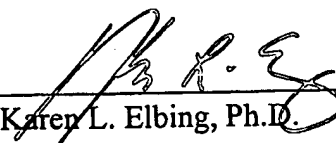
Accompanying this request is a Notice received by Applicants from the Office of
Petitions, indicating that the fee submitted for the Application for Patent Term
Adjustment was in excess in the amount of \$200.00.

Applicants request that this credit be applied to Deposit Account No. 03-2095.

If there are any charges or any credits in connection with this Request, please
apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 06 June 2005


Karen L. Elbing, Ph.D.
Reg. No. 35,238

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

F:\50125\50125.037001 Petition for Refund .doc

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In re Application
Jochmus, et al.

Application No. 09/980,064

Filed: March 27, 2002

Dkt. No.: 50125/037001

OFFICE OF PETITIONS
PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705," filed November 1, 2004. This request is being treated under 37 CFR 1.704(b) as an application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is GRANTED.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 183 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

A review of the application history reveals the Office errantly entered March 11, 2004 as the date a reply to the restriction required was filed rather than May 8, 2003, the date the response initially received as indicated on the copy of the stamped and dated postcard evidencing receipt of the response by the Office.

Thus, an adjustment of 185 days under 37 CFR 1.702(a)(2) of 185 days can be attributed to the Office. In accordance with 37 CFR 1.703(a)(2), the adjustment began September 9, 2003, the day after the date that is four months after the date a reply under § 1.111 was filed, and ended March 12, 2004, the date of mailing of non-final Office action.

The adjustment of 185 days, however, is reduced two days under 37 CFR 1.704(b) for applicants failure to engage in reasonable efforts to conclude prosecution. The reduction began July 13, 2004, the day after the date that is three months after the date

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of mailing of non-final Office action, and ended June 14, 2004, the date of receipt of applicants' response.

In view thereof, at the time of Notice of Allowance the application is entitled to a patent term adjustment of 183 days as argued by applicants.

Applicants submitted \$400.00 in connection with this matter, however, the fee for an application for patent term adjustment is currently \$200.00. Applicant may request a refund in writing of the excess \$200.00 by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Karin Ferriter

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

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PATENT
ATTORNEY DOCKET NO. 50125/037001

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Holly Wandel
Printed name of person mailing correspondence

[Signature]
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: I. Jochmus et al. Examiner: A. R. Salimi
Serial No.: 09/980,064 Art Unit: 1648
Filed: March 27, 2002 Customer No.: 21559
Title: CYTOTOXIC T-CELL EPITOPES OF THE PAPILLOMAVIRUS
L1-PROTEIN AND USE THEREOF IN DIAGNOSTICS AND
THERAPY

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P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705

In response to the Determination of Patent Term Adjustment under 35 U.S.C.
§ 154(b) mailed with the Notice of Allowance on July 30, 2004 in connection with the
above-captioned patent application, Applicants hereby request reconsideration of the
patent term adjustment. Applicants submit that the current patent term adjustment should
be 183 days.

The rules governing patent term adjustment due to examination delay are provided
for in 37 C.F.R. § 1.702, which states:

11/02/2004 DEMMANU2 00000035 09980064

03 FC:1456 400.00 OP

Adjustment date: 07/15/2005 SDIRETA1
11/02/2004 DEMMANU2 00000035 09980064
03 FC:1456 -400.00 OP

07/15/2005 SDIRETA2 00000001 09980064

01 FC:1455 200.00 OP

Repln. Ref: 07/15/2005 SDIRETA1 0012453800
DAH:032095 Name/Number:09980064
FC: 9204 \$200.00 CR

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correct patent term adjustment is 185 days for Office delays reduced by the Applicants' delay of 2 days, which yields a patent term adjustment of 183 days.

In view of the above facts, this application is currently entitled to 183 days of patent term adjustment under 37 C.F.R. § 1.703.

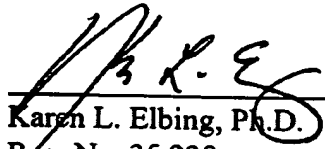
CONCLUSION

Applicants submit that the current patent term adjustment should be 183 days and request reconsideration of the patent term adjustment.

Enclosed is a check in the amount of \$400.00 for the fee set forth in 37 C.F.R. § 1.18(f). If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 29 October 2004



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